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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 25351 of 2023

E.Vijayalakshmi

Petitioner(s)

Vs

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil ,
Secretariat, Chennai 600 009

2.The District Collector
Thiruvannamalai District,
Vengikkal, Thiruvannamalai

3.Joint Director of Health Services,
Thiruvannamalai District,
Thiruvannamalai

4.Deputy Superintendent of Police
Cheyyar, Thiruvannamalai District

5.Tmt. Poongodi

6.Mr. Dhivakar

Respondent(s)



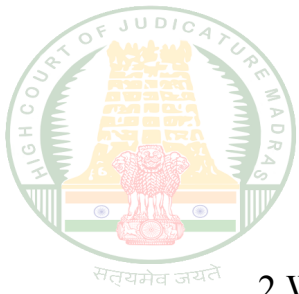
PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondent to consider the petitioner's final representation dated 20.01.2023 and conduct an enquiry under the Mental Health Care Act 2017 Amended act after affording opportunity to the petitioner, with respect of mental health condition of Mr.E.Balasubramanian, who is a lunatic person by birth.

For Petitioner(s): Mr.V.Sivalingam

For Respondent(s): Mr.E.Sundaram
Government Advocate
for R1 to R3
Mr.V.Meganathan
Government Advocate
for R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd and 3rd respondents to consider the representation made by the petitioner on 20.01.2023, wherein, the petitioner is requesting for conducting an enquiry under the Mental Health Care Act, 2017 and to appoint a guardian for her brother Mr.E.Balasubramanian who according to the petitioner is a mentally challenged person.



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2. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of respondents 1 to 3 submitted that the brother of the petitioner must be produced before the Committee in order to assess the mental capability of the concerned person. However, the 5th respondent, who is the step mother and the 6th respondent, who is the son of the 5th respondent are not permitting the said E. Balasubramanian to be present before the Committee. Therefore, unless the concerned person is produced before the Committee, the 2nd and 3rd respondents cannot take any decision in this regard.

3. If the petitioner's brother is in the custody of the 5th and 6th respondents and if according to the petitioner, the said custody is illegal, the petitioner must first establish the same and secure the custody of the said E. Balasubramanian. Thereafter, the petitioner can approach the 2nd and 3rd respondents and seek for appropriate orders under the Mental Health Care Act. Except giving this clarity, no further orders can be passed in this writ petition.



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4. This writ petition is disposed of in the above terms. No Costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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4.Deputy Superintendent of Police
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N.ANAND VENKATESH J.

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